

AMENDED IN ASSEMBLY JUNE 15, 2015

AMENDED IN SENATE MAY 19, 2015

AMENDED IN SENATE APRIL 27, 2015

AMENDED IN SENATE APRIL 6, 2015

SENATE BILL

No. 658

Introduced by Senator Hill

(Principal coauthor: Assembly Member Gordon)

February 27, 2015

An act to amend Section 1714.21 of the Civil Code, and to amend Section 1797.196 of the Health and Safety Code, relating to automated external defibrillators.

LEGISLATIVE COUNSEL'S DIGEST

SB 658, as amended, Hill. Automated external defibrillators.

Existing law exempts from civil liability any person who, in good faith and not for compensation, renders emergency care or treatment by the use of an automated external defibrillator (AED) at the scene of an emergency, except in the case of personal injury or wrongful death that results from the gross negligence or willful or wanton misconduct of the person who renders emergency care or treatment. Existing law also exempts from civil liability a person or entity that acquires an AED for emergency use, a physician who is involved with the placement of the AED, and any person or entity responsible for the site where the AED is located if specified conditions are met, including maintenance and regular testing of the AED and having a written plan that describes the procedures to be followed in case of an emergency that may involve the use of the AED. *Under existing law, those specified conditions also require, when an AED is placed in a public or private K–12 school, the*

school principal to, among other things, ensure that the school administrators and staff annually receive a brochure, approved as to content and style by the American Heart Association or the American Red Cross, that describes the proper use of an AED, to ensure that similar information is posted next to every AED, and to designate the trained employees who are available to respond to an emergency that may involve the use of an AED during normal operating hours.

This bill would provide an exemption from civil liability for a physician and surgeon or other health care professional that is involved in the selection, placement, or installation of an AED. The bill would require a person or entity, other than a health facility as defined, that acquires an AED to, among other things, comply with specified regulations for the placement of the device and ensure that the AED is maintained and tested as specified. The bill would require a building owner to annually notify the tenants as to the location of the AED units and provide information to tenants about who they can contact if they want to voluntarily take AED or CPR training, to offer a demonstration to at least one person associated with the building as to the use of an AED in an emergency, and post instructions for the use of the AED. The bill would also specify that a medical director or physician and surgeon is not required to be involved in the acquisition or placement of an AED. The bill would make related changes.

This bill would revise the public or private K–12 school provisions described above by instead requiring, when an AED is placed in a public or private K–12 school, the school principal to ensure that the school administrators and staff annually receive information that describes sudden cardiac arrest, the school’s emergency response plan, and the proper use of an AED, by instead requiring the school principal to ensure that instructions, in no less than 14-point type, on how to use the AED are posted next to every AED, and by deleting the requirement that the school principal designate the trained employees who are available to respond to an emergency that may involve the use of an AED during normal operating hours.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1714.21 of the Civil Code is amended
2 to read:

1 1714.21. (a) For purposes of this section, the following
2 definitions shall apply:

3 (1) “AED” or “defibrillator” means an automated external
4 defibrillator.

5 (2) “CPR” means cardiopulmonary resuscitation.

6 (b) Any person who, in good faith and not for compensation,
7 renders emergency care or treatment by the use of an AED at the
8 scene of an emergency is not liable for any civil damages resulting
9 from any acts or omissions in rendering the emergency care.

10 (c) A person or entity who provides CPR and AED training to
11 a person who renders emergency care pursuant to subdivision (b)
12 is not liable for any civil damages resulting from any acts or
13 omissions of the person rendering the emergency care.

14 (d) (1) A person or entity that acquires an AED for emergency
15 use pursuant to this section is not liable for any civil damages
16 resulting from any acts or omissions in the rendering of the
17 emergency care by use of an AED if that person or entity has
18 complied with subdivision (b) of Section 1797.196 of the Health
19 and Safety Code.

20 (2) A physician and surgeon or other health care professional
21 that is involved in the selection, placement, or installation of an
22 AED pursuant to Section 1797.196 of the Health and Safety Code
23 is not liable for civil damages resulting from acts or omissions in
24 the rendering of emergency care by use of that AED.

25 (e) The protections specified in this section do not apply in the
26 case of personal injury or wrongful death that results from the
27 gross negligence or willful or wanton misconduct of the person
28 who renders emergency care or treatment by the use of an AED.

29 (f) This section does not relieve a manufacturer, designer,
30 developer, distributor, installer, or supplier of an AED or
31 defibrillator of any liability under any applicable statute or rule of
32 law.

33 SEC. 2. Section 1797.196 of the Health and Safety Code is
34 amended to read:

35 1797.196. (a) For purposes of this section, “AED” or
36 “defibrillator” means an automated external defibrillator.

37 (b) (1) In order to ensure public safety, a person or entity that
38 acquires an AED shall do all of the following:

39 (A) Comply with all regulations governing the placement of an
40 AED.

1 (B) Notify an agent of the local EMS agency of the existence,
2 location, and type of AED acquired.

3 (C) Ensure that the AED is maintained and tested according to
4 the operation and maintenance guidelines set forth by the
5 manufacturer.

6 (D) Ensure that the AED is tested at least biannually and after
7 each use.

8 (E) Ensure that ~~a visual~~ *an* inspection is made of all AEDs on
9 the premises at least every 90 days for potential issues related to
10 operability of the device, including a blinking light or other obvious
11 defect that may suggest tampering or that another problem has
12 arisen with the functionality of the AED.

13 (F) Ensure that records of the maintenance and testing required
14 pursuant to this paragraph are maintained.

15 (2) When an AED is placed in a building, the building owner
16 shall do all of the following:

17 (A) At least once a year, notify the tenants as to the location of
18 the AED units and provide information to tenants about who they
19 can contact if they want to voluntarily take AED or CPR training.

20 (B) At least once a year, offer a demonstration to at least one
21 person associated with the building so that the person can be
22 walked through how to use an AED properly in an emergency.
23 The building owner may arrange for the demonstration or partner
24 with a nonprofit organization to do so.

25 (C) Next to the AED, post instructions, in no less than 14-point
26 type, ~~from the manufacturer~~ on how to use the AED.

27 (3) A medical director or other physician and surgeon is not
28 required to be involved in the acquisition or placement of an AED.

29 (c) (1) When an AED is placed in a public or private K–12
30 school, the principal shall ensure that the school administrators
31 and staff annually receive ~~a brochure, approved as to content and~~
32 ~~style by the American Heart Association or the American Red~~
33 ~~Cross, that describes information that describes sudden cardiac~~
34 ~~arrest, the school's emergency response plan, and the proper use~~
35 ~~of an AED. The principal shall also ensure that similar information~~
36 ~~is instructions, in no less than 14-point type, on how to use the~~
37 ~~AED are posted next to every AED. The principal shall, at least~~
38 ~~annually, notify school employees as to the location of all AED~~
39 ~~units on the campus. The principal shall designate the trained~~
40 ~~employees who shall be available to respond to an emergency that~~

1 ~~may involve the use of an AED during normal operating hours.~~
2 ~~As used in this subdivision, “normal operating hours” means during~~
3 ~~the hours of classroom instruction and any school-sponsored~~
4 ~~activity occurring on school grounds.~~

5 (2) This section does not prohibit a school employee or other
6 person from rendering aid with an AED.

7 (d) A manufacturer or retailer supplying an AED shall provide
8 to the acquirer of the AED all information governing the use,
9 installation, operation, training, and maintenance of the AED.

10 (e) A violation of this section is not subject to penalties pursuant
11 to Section 1798.206.

12 (f) Nothing in this section or Section 1714.21 of the Civil Code
13 may be construed to require a building owner or a building manager
14 to acquire and have installed an AED in any building.

15 (g) For purposes of this section, “local EMS agency” means an
16 agency established pursuant to Section 1797.200.

17 (h) This section does not apply to facilities licensed pursuant
18 to subdivision (a), (b), (c), or (f) of Section 1250.